HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.32929 of 1998

Dated 17th day of April, 2007

Between:

Mekala Veera Raghavamma
and another ..
Petitioners

And

Gram Panchayat, Challapalli,
Utpalaguptam Mandal,
East Godavari District
and another ..
Respondents

O R D E R:

This writ petition is instituted seeking a mandamus to declare the action of the respondents in interfering with the petitioners' peaceful possession and enjoyment of the land of an extent of Ac.00.15 cents in R.S.No.688 situated in Challapalli village and obstructing them from cutting the yield of coconut, as arbitrary and illegal.

The petitioners assert that they purchased the land of an extent of Ac.00.15 cents in R.S.No.688 situated in Challapalli village, Utpalaguptam Mandal, East Godavari District by virtue of a registered sale deed dated 11.2.1986 and since then have been in peaceful possession and enjoyment of it. While so, the 2nd respondent issued a notice under Section 7 of the Land Encroachment Act to the petitioners, who offered their explanation. Now, the petitioners' grievance is that the respondents, without considering their explanation, are interfering with their possession and enjoyment of the land in question.

Heard the learned counsel for both the parties and perused the material placed on record.

Having regard to the fact that the petitioners offered their explanation to the notice issued by the 2nd respondent, this Court deems it appropriate to direct the respondents to consider their explanation and pass appropriate orders in accordance with law.

However, it appears that possession was taken over on 18.11.1998, whereas this Court ordered *status quo* on 25.11.1998, but the same is disputed by the learned counsel for the petitioners. Therefore, pending consideration of the explanation, both the parties are hereby directed to maintain *status quo.*

Accordingly, the writ petition is disposed of in terms of the above direction. No costs.

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17.04.2007

bcj